

HOT GIRL WALK LLC v. CASEY SPRINGER d/b/a HOT WALK INDY
Case No.: 1:24-cv-1187

EXHIBIT B

(A true and correct copy of the June 25, 2024 cease and desist letter)

HOT GIRL WALK LLC v. CASEY SPRINGER d/b/a HOT WALK INDY
Case No.: 1:24-cv-1187



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June 25, 2024

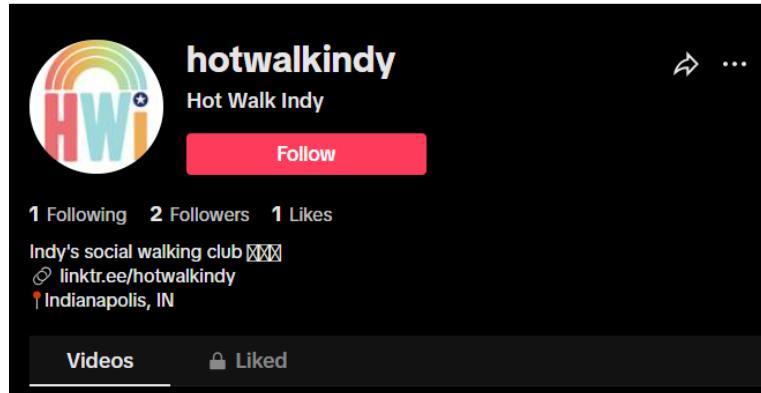
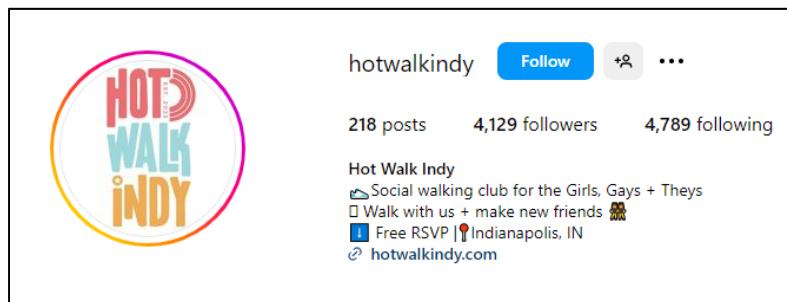
VIA EMAIL & FEDEX

Casey Springer d/b/a Hot Walk Indy
6218 Indianola Ave.
Indianapolis, IN 46220-2018
hotwalkindy@gmail.com
casey.springer@gmail.com

Re: *Unauthorized Use of Hot Girl Walk LLC's Intellectual Property*

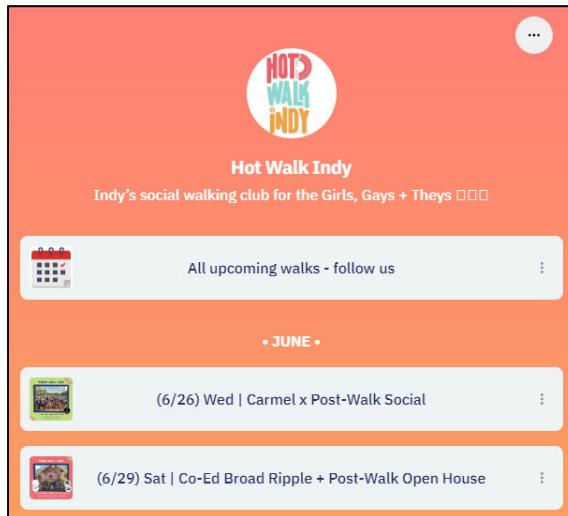
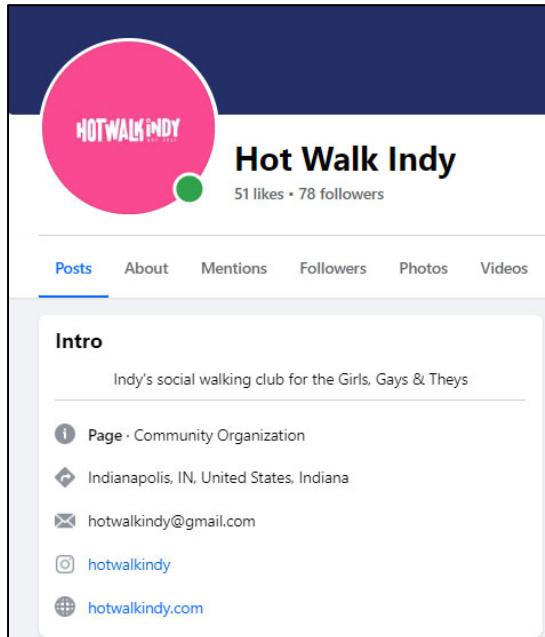
Dear Ms. Springer:

Our firm represents Hot Girl Walk LLC (“HGW” or “Client”), which, as you (“Ms. Springer,” “Hot Walk Indy,” or “You”) are aware, is recognized worldwide as the official event planner of outdoor walks wherein event participants take part in a connected journey of introspection and reflection, while in pursuit of personal growth and self-confidence. It has come to HGW’s attention that You have been advertising and promoting organized outdoor walking events under the brand name HOT WALK INDY, which must cease immediately:



DICKINSON WRIGHT PLLC

June 25, 2024
Casey Springer
Page 2



See, <https://www.instagram.com/hotwalkindy/>;
See, <https://www.tiktok.com/@hotwalkindy>;
See, <https://www.facebook.com/hotwalkindy>; and
See, <https://linktr.ee/hotwalkindy> (collectively, the "Infringing Use").

HGW's mission is to unite women in a way that promotes mental and physical wellness through fitness training that is accessible and inclusive to all. As You know, HGW is the exclusive owner of a U.S. federal trademark registration for **HOT GIRL WALK®** (U.S. Reg. No. 7,037,847 in class 25 for athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; and class 41 for physical fitness training of individuals and groups).

June 25, 2024
 Casey Springer
 Page 3

HGW also owns the following pending applications for **HOT GIRL WALK™**:

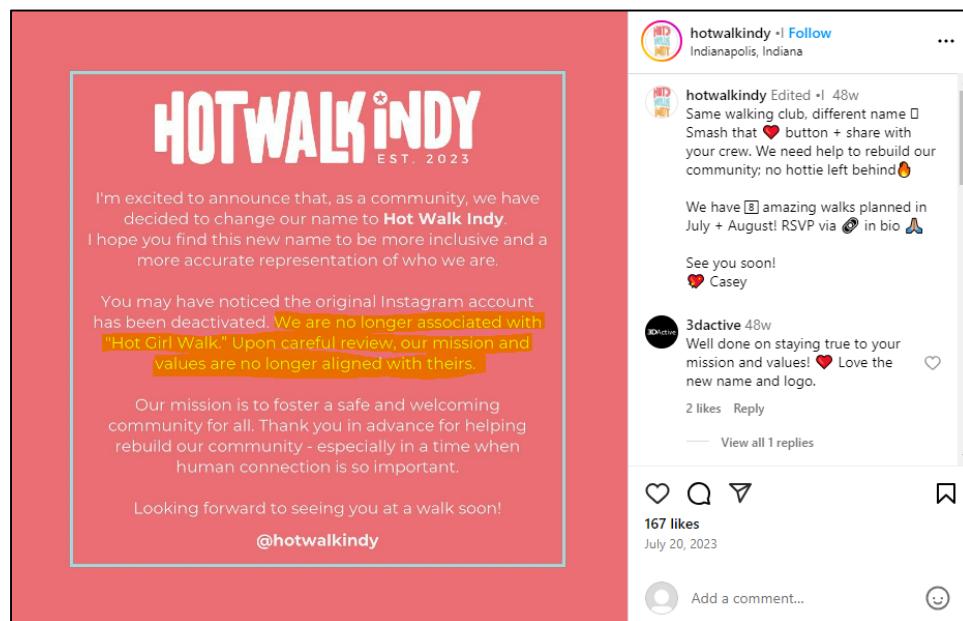
Mark	U.S. App. Ser. No.	Goods & Services
HOT GIRL WALK	98/116,569	Class 35: Retail store services featuring apparel, fitness apparel, apparel accessories, and gifts; advertising, marketing and promotions; Endorsement services, namely, promoting the brands, goods and services of others; promotion of business opportunities; business networking; arranging and conducting special events for business and advertising purposes.
HOT GIRL WALK	98/116,553	Class 41: Organizing, arranging, and conducting meetups in the nature of community, sporting, fitness and cultural events and walking events; arranging and conducting special events for social entertainment purposes; arranging contests; physical fitness training services.
HOT GIRL WALK	98/116,540	Class 45: Providing information and advice on personal growth, motivation and self-fulfillment.
HOT GIRL WALK	98/161,458	Class 9: Digital media, namely, downloadable audio and video recordings featuring personal growth, motivation, self-fulfillment, health, fitness, entertainment and pop culture; downloadable podcasts in the nature of personal growth, motivation, self-fulfillment, health, fitness, entertainment and pop culture.
HOT GIRL WALK	98/161,490	Class 41: Entertainment services, namely, providing non-downloadable audio and video recordings featuring personal growth, motivation, self-fulfillment, health, fitness, entertainment and pop culture; entertainment services, namely, a multimedia program series featuring personal growth, motivation, self-fulfillment, health, fitness, entertainment and pop culture distributed via various platforms across multiple forms of transmission media; entertainment services, namely, providing podcasts in the field of personal growth, motivation, self-fulfillment, health, fitness, entertainment and pop culture.

June 25, 2024
 Casey Springer
 Page 4

HGW's federally registered and common law trademarks and all other forms of intellectual property are referred to herein as "HGW's IP." Over the last few years HGW has expended considerable resources promoting and building its image, and in the protection, enforcement, advertising, and marketing of HGW's IP. HGW's IP entitles HGW to exclusive use of HGW's IP throughout the United States.

By virtue of this extensive and exclusive use, HGW events and HGW's IP have accrued substantial goodwill and global recognition. Furthermore, HGW has spent tremendous resources in coordinating and delivering quality events for its customers, including considerable resources in promoting HGW's brand. As a result of HGW's efforts, HOT GIRL WALK® has been covered by several reputable multimedia organizations including NBC News, CBS News, FOX News, The New York Times, Yahoo!, E! News, Vogue, Cosmopolitan, and Consumer Reports. HGW has also been able to negotiate promotional contracts with Reebok, lululemon, the Strava fitness app, ZYRTEC, LifeWTR, Good Foods, and WeightWatchers. HGW continues to grow its community membership through HGW Ambassadors worldwide.

It is our understanding that in or around early 2023, You originally operated Hot Walk Indy's online and social media accounts under the brand name HOT GIRL WALK INDY. We also understand that around that time HGW attempted to contact You several times to work together under HGW's formal licensing program; however, You failed to respond. As a result of Your failure to respond to HGW, and Your continued unauthorized use of the HOT GIRL WALK INDY mark, HGW initiated a trademark dispute against Your Instagram account, @hotgirlwalkindy, which was taken down by Meta on or about July 17, 2023. Nevertheless, not to be deterred, You soon thereafter announced You were changing to the HOT WALK INDY mark in connection with all of Your online and social media accounts:



See, <https://www.instagram.com/p/Cu7wdmZJ2Xi/> (the "Rebrand Announcement").

DICKINSON WRIGHT PLLC

June 25, 2024
 Casey Springer
 Page 5

Hot Walk Indy's removal of the word "GIRL" from its original brand name is insufficient to absolve You from liability for the Infringing Use of HOT WALK INDY. Your use of a confusingly similar mark in connection with services identical to HGW's is damaging to HGW's IP because it is likely to cause confusion among relevant consumers who might mistakenly believe "Hot Walk Indy" is sponsored by or affiliated with HGW, when it is not.

And, although Your Rebrand Announcement seemingly attempts to distance Hot Walk Indy from HGW, the misleading nature of the Rebrand Announcement adds to the likelihood of confusion. It is insufficient to say, "We are no longer associated with "Hot Girl Walk"" when Hot Walk Indy never had any affiliation. And, while You may believe Hot Walk Indy's "mission and values are no longer aligned with [HGW's]," there is still clear alignment between the services both Hot Walk Indy and HGW provide, not to mention the overlap in target consumers. Indeed, the caption of Hot Walk Indy's Instagram page claims it is a "social walking club for the Girls, Gays + Theys." Make no mistake: HGW's mission has always been to unite women (i.e. Girls) in a way that promotes mental and physical wellness through fitness training, that is accessible and inclusive to all (e.g. Gays and Theys).

We caution You that the calculated decision to continue the Infringing Use without authorization constitutes evidence of a willful intent to infringe. *See Official Airline Guides, Inc. v. Goss*, 6 F.3d 1385, 1394 (9th Cir. 1993) ("When an alleged infringer knowingly adopts a mark identical or similar to another's mark, 'courts will presume an intent to deceive the public.'"); *FAZE Apparel, LLC v. Faze Clan, Inc.*, Case No. 218CV02052RGKJEM, 2018 WL 3830027, at *6 (C.D. Cal. May 22, 2018) (awareness of one's trademark during business development weighs against an alleged infringer). And, while traditional notions of fair play and justice should have counseled You to act to the contrary, Hot Walk Indy's ongoing misappropriation of HGW's IP appears to be nothing less than intentional. We believe such egregious circumstances give rise to heightened damages, such as attorneys' fees and trebled damages.

In summation, the Infringing Use violates HGW's exclusive rights in its IP, constitutes false association or endorsement, unauthorized use, amounts to violation of several unfair competition laws, and threatens HGW's contractual relations with its sponsors, ambassadors, and licensees.

We hereby DEMAND that Hot Walk Indy:

1. Immediately CEASE and DESIST from the use of intellectual property belonging to, associated with, or confusingly similar to HGW's IP and HGW, specifically, but not limited to, the use of "Hot Walk Indy" and #hotwalkindy to promote Your social walking events;
2. Immediately REMOVE and/or cause Your agents and representatives to REMOVE all references to "Hot Walk Indy" and #hotwalkindy from all platforms owned and/or controlled by You, including social media, promos, ads, web pages, web presence, digital or print publications, and any other acts or conduct by You that infringe HGW's IP, or imply a relationship with HGW, or causes confusion between You and HGW or HGW's IP; and,

DICKINSON WRIGHT PLLC

June 25, 2024
Casey Springer
Page 6

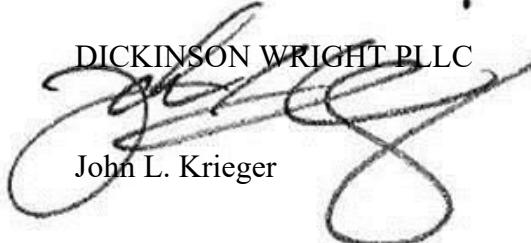
3. Confirm the same in writing **no later than June 28, 2024.**

We are certain You can appreciate HGW's obligation to protect its intellectual property and contractual relations and look forward to resolving this matter quickly and amicably. However, if You fail to fully resolve this situation immediately, HGW will be compelled to evaluate all legal remedies available to it.

We do not intend, nor should You construe, this letter to be a complete and exhaustive statement of all of our Clients' rights, claims and legal theories. Nothing contained in this letter is a waiver or relinquishment of any of our Clients' rights or remedies, all of which are expressly reserved. This is a confidential legal notice and may not be published or publicly disseminated in whole or in part.

We look forward to receiving Your prompt response.

Very truly yours,

DICKINSON WRIGHT PLLC

John L. Krieger

cc: Client